

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****RIN 1018-AB41****Endangered and Threatened Wildlife and Plants; Emergency Listing of the Sacramento River Winter-Run Chinook Salmon****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Emergency rule.

**SUMMARY:** The Service is adding the Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*) to the List of Endangered and Threatened Wildlife for 240 days. This measure is required by section 4(a)(2)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) in order to implement an emergency determination of threatened status by the National Marine Fisheries Service, which has jurisdiction for the winter-run Chinook Salmon.

**DATES:** This emergency listing is effective on April 2, 1990 and expires on November 28, 1990, or until the final listing is effective, whichever occurs first.

**FOR FURTHER INFORMATION CONTACT:** Dr. Ralph Morgenweck, Assistant Director for Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, DC 20240 (202/343-4646).

**SUPPLEMENTARY INFORMATION:** Under the Endangered Species Act, and in accordance with Reorganization Plan No. 4 of 1970, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Department of Commerce, is responsible for the Sacramento River winter-run Chinook

salmon. Under section 4(a)(2)(A) of the Act, NMFS must decide whether a species under its jurisdiction should be listed as endangered or threatened. The Fish and Wildlife Service (FWS) is responsible for the actual addition of a species to the List of Endangered and Threatened Wildlife in 50 CFR 17.11(h).

NMFS published its emergency determination of threatened status for the Sacramento River winter-run Chinook salmon published April 2, 1990 (55 FR 12191) in final rules section under the Department of Commerce, National Oceanic and Atmospheric Administration). Accordingly, the FWS is required by section 4(a)(2)(A) of the Act to add the Sacramento River winter-run Chinook salmon as a threatened species to the List of Endangered and Threatened Wildlife for the 240-day period of the NMFS emergency rule.

Because this FWS action is nondiscretionary, and in view of NMFS's emergency finding under section 4(b)(7) of the Act, the FWS finds that good cause exists to omit the notice and public comment procedures of 5 U.S.C. 553(b).

The FWS also has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969 does not need to be prepared in regard to regulations adopted under section 4(a) of the Act. A notice outlining the reasons for this determination was published in the **Federal Register** on October 25, 1985 (48 FR 49244).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

#### Regulation Promulgation

Accordingly, part 17, subchapter B of chapter 1, title 50 of the Code of Federal Regulations, is amended as set forth below:

#### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended from April 2, 1990, through November 28, 1990, by adding the following, in alphabetical order, to the List of Endangered and Threatened Wildlife under "FISHES":

#### § 17.11 Endangered and threatened wildlife.

(h) \* \* \*

Species			Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name							
FISHES:								
Salmon, chinook.....	( <i>Oncorhynchus tshawytscha</i> ).		Pacific Ocean .....	USA (CA: Sacramento R. winter run).	T	383	226.21	227.21

Dated: March 30, 1990.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

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